

**THIS OPINION WAS NOT WRITTEN FOR PUBLICATION**

The opinion in support of the decision being entered today  
(1) was not written for publication in a law journal and  
(2) is not binding precedent of the Board.

Paper No. 17

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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***Ex parte*** SHIGERU YAMAZAKI, AKIHIKO HIRAMATU and KAZUO SEKO

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Appeal No. 95-3913  
Application 07/910,219<sup>1</sup>

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ON BRIEF

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Before KRASS, BARRETT and FLEMING, ***Administrative Patent Judges.***  
FLEMING, ***Administrative Patent Judge.***

**DECISION ON APPEAL**

This is a decision on appeal from the final rejection of  
claims 1 through 19. Claims 20 through 24 have been allowed by  
the examiner and are not before us on appeal.

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<sup>1</sup>Application for patent filed July 9, 1992.

The invention relates to a 1 x N communication system having N telephones which are the usual telephone handsets with an additional press-talk push-button. The press-talk push-button functions as a contact switch that allows the user to make an announcement to the other N-1 handsets. Appellants disclose on page 10 of the specification that Figure 2 shows one embodiment of Appellants' 1 x N communication system having N telephone handsets 4 having a press-talk push-button 9, a time division switching system 10, a press-talk trunk 30 and a central controller 12. Appellants disclose on pages 10-13 of the specification that the press-talk trunk 30 receives a signal when the press-talk push-button 9 is depressed. The press-talk trunk 30 then generates a notification signal and transmits this signal to the controller 12. The controller 12 controls the time division switching system 10 to send voice signals from the telephone handset to all the other telephone handsets.

The independent claim 1 is reproduced as follows:

1. A 1 x N communication system, where N is an integer greater than two, comprising:

at least three terminals for sending and receiving voice signals, having respective press-talk switches for generating press-talk signals with active and inactive states;

a time division switching system coupled separately to each of said terminals, for

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switching communication paths among said terminals;

a press-talk trunk coupled to receive said press-talk signals from said terminals and generate a notification signal when a press-talk signal from any one of said terminals is active; and

a central controller means coupled to said time division switching system for controlling said time division switching system to cause said time division switching system to send voice signals from said one of said terminals to all other of said terminals, responsive to said notification signal.

The Examiner relies on the following references:

Coviello	4,203,011	May 13, 1980
Rasmussen et al. (Rasmussen)	4,754,476	Jun. 28, 1988

Claims 1 through 19 stand rejected under 35 U.S.C. § 103 as being unpatentable over Coviello and Rasmussen.<sup>2</sup>

Rather than reiterate the arguments of Appellants and the Examiner, reference is made to the briefs<sup>3</sup> and answers<sup>4</sup> for the

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<sup>2</sup>In a letter mailed March 21, 1995, the Examiner withdrew the rejection of claims 20 through 24.

<sup>3</sup>Appellants filed an appeal brief on July 27, 1994. We will refer to this appeal brief as simply the brief. Appellants filed a reply appeal brief on January 4, 1995. We will refer to this reply appeal brief as the reply brief. The Examiner responded to Appellants' arguments presented in the reply brief with a letter, mailed October 11, 1996. Thus, the reply brief has been entered and considered.

<sup>4</sup>The Examiner responded to the brief with an Examiner's answer, mailed December 14, 1994. We will refer to the Examiner's answer as simply the answer. We note that the answer contains a new ground of rejection rejecting claims 14 through 19 under 35 U.S.C. § 103 as being unpatentable over Coviello and Rasmussen. The Examiner responded to the reply brief with a letter, dated

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respective details thereof.

#### **OPINION**

After a careful review of the evidence before us, we agree with the Examiner that claims 1, 7 and 9 are properly rejected under 35 U.S.C. § 103. Thus, we will sustain the rejection of these claims but we will reverse the rejection of the remaining claims on appeal for the reasons set forth *infra*.

It is the burden of the Examiner to establish why one having ordinary skill in the art would have been led to the claimed invention by the express teachings or suggestions found in the prior art, or by implications contained in such teachings or suggestions. *In re Sernaker*, 702 F.2d 989, 995, 217 USPQ 1, 6 (Fed. Cir. 1983).

On page 7 of the brief, Appellants argue that Coviello fails to disclose a press-talk trunk coupled to receive press-talk signals when a press-talk signal from any one of the terminals is active as recited in Appellants' claim 1. The Examiner shows that Coviello teaches the press-talk trunk as the combination of stations circuits (SC1-SCN) shown in Figures 1 and 9. On pages 2 and 3 of the reply brief, Appellants argue that Appellants' claim

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October 11, 1996. Because the Examiner states in the letter that it is a supplement to the answer, we will treat the letter as a supplemental Examiner's answer and refer to the letter as simply the supplemental answer.

1 requires a time division switching system coupled separately to each of said terminals, for switching communication paths among the terminals, and also requires a press talk trunk coupled to receive press-talk signals from the terminals. Appellants further argue Coviello fails to disclose a central controller means responsive to a notification signal from a press-talk trunk for controlling the switching system to send voice signals from one terminal to all other terminals as required by claim 1.

In the supplemental answer, the Examiner responds to these arguments by pointing out that the station circuits SC1 through SCN receive a press-talk signal from one of the terminals and subsequently send notification to the central switching and control unit to perform the appropriate voice connections to the other terminals. The Examiner further points out that Coviello discloses in Figure 1 a controller means 1010 which switches voice connections amongst the terminals in response to press-talk signals which are sent from the station circuits SC1-SCN.

After a closer reading of Coviello, we find that Coviello teaches a switching system, a press-talk trunk and a central controller means as recited in Appellants' claim 1. In

particular, Coviello teaches in column 12, lines 6-38, with

reference to Figure 9 that if the user of station set 1 originates an intercom call in the key telephone system, the call originates on the "A" path of station set 1. The logic circuit of station circuit 10' associated with station set 1, controls switching circuit A which connects an idle link circuit, link1 - link J. Coviello further discloses that the identity of the called party is passed to the common register circuit 1050 which controls the "B" path from the seized link circuit to connect in switching circuit B to the "B" path of the called telephone.

We find that Coviello teaches a switching system, switching circuit A and switching circuit B, coupled separately to each of the terminals, station sets 1-N, for switching communication paths among the terminals, telephone station sets 1-N, as recited in Appellants' claim 1. Coviello teaches a signal generated by the telephone station set when the user presses the intercom button 31 shown in Figure 7. In addition, Coviello teaches a notification signal that represents the identity of the called party that is passed to register 1050. Therefore, we find that Coviello teaches "a press-talk trunk coupled to receive the

press-talk signals from said terminals and generate a notification signal when a press-talk signal from any one of said terminals is active" as recited in Appellants' claim 1. Finally, we find that Coviello teaches a central controller means, link 1-linkJ and register 1050, coupled to the switching system, switching circuit A and switching circuit B, for controlling the switching system to cause the switching system to send voice signals as recited in Appellants' claim 1. Therefore, we will sustain the Examiner's rejection of claim 1.

Appellants argue that Coviello and Rasmussen fail to teach the specific limitations of claims 2 through 12. After a careful review of the references, we agree that Coviello and Rasmussen fail to teach the specific limitation recited in Appellants' claims 2 through 6, 8 and 10 through 12. However, Coviello teaches in Figure 9 that the press-talk trunk, station circuits 1-N, is coupled to the terminals, station sets 1-N, by wires and receives signals directly from the terminals, station sets 1-N, as set forth in Appellants' claim 7. Furthermore, we find that it would have been obvious to those skilled in the art to provide for at least one of the terminals to be portable as set forth in Appellants' claim 8. We note that portable hand set telephones

which include a portable hand set telephone that transmits communication signals to a station set connected to the home phone jack are well known in the art. We note that Appellants' claim 8 only requires that the terminal be portable, thus a portable hand set, a terminal, reads on Appellants' claim 8.

On page 4 of the reply brief, Appellants argue that the proposed combination does not disclose a press-talk trunk for receiving press-talk signals and voice signals from the terminals via the switching system as set forth in claims 14 through 19. Appellants further argue that this embodiment is shown in Figures 2 and 4.

We note that Appellants' claim 14 recites "a press-talk trunk coupled to said switching system, for receiving said press-talk signals and said voice signals from said terminals via said switching system." Therefore, unlike Appellants claim 1, Appellants' claim 14 requires that the press-talk trunk receive the press-talk signals and voice signals from the switching system. Coviello teaches in Figures 1 and 8 that the press-talk signals and voice signals are received from the switching system. Therefore, we fail to find that Coviello and Rasmussen teach or suggest this limitation and we will not sustain the Examiner's rejection of claims 14 through 19.



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In view of the foregoing, the decision of the Examiner rejecting claims 1, 7 and 9 under 35 U.S.C. § 103 is affirmed; however, the decision of the Examiner rejecting claims 2 through 6, 8, and 10 through 19 under 35 U.S.C. § 103 is reversed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

***AFFIRMED-IN-PART***

ERROL A. KRASS	)	
Administrative Patent Judge	)	
	)	
	)	
	)	BOARD OF PATENT
LEE E. BARRETT	)	APPEALS AND
Administrative Patent Judge	)	INTERFERENCES
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MICHAEL R. FLEMING	)	
Administrative Patent Judge	)	

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